



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2018

CORAM

THE HONOURABLE MR. JUSTICE **G.R. SWAMINATHAN**

C.R.P(MD) (PD).No.1030 of 2018

and

C.M.P(MD).No.4424 of 2018

WEB COPY

A.Sethpathy ... Petitioner/Petitioner/Defendant
vs.

P.Muthukumarasamy ...Respondent/ Respondent/Plaintiff

PRAYER: Petition filed under Article 227 of the Constitution of India, to call for the records relating to the impugned fair and decreetal order in I.A.No.1073 of 2017 in O.S.No.517 of 2016 on the file of the Principal Subordinate Court, Karur, dated 31.01.2018 and set aside the same as illegal.

For Petitioner : Mr.B.Saravanan
For Respondent : Mr.P.Muthuvijayapandian

O R D E R

The defendant in O.S.No.517 of 2016 on the file of the Principal Subordinate Court, Karur, is the revision petitioner herein. The said suit has been instituted by the respondent herein for recovery of a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) with interest. The trial has almost concluded. At this stage, the revision petitioner filed I.A.No.1073 of 2017 for summoning his mother and the financier. The said Interlocutory Application was dismissed by the Court below. Questioning the same, this civil revision petition has been filed.

2.The learned counsel appearing for the revision petitioner contended that there was a tussle between the petitioner's mother and the Finance Company and that the said Finance Company had misused the pronote given by him and caused the present plaintiff to institute O.S.No.517 of 2016.

3.This Court went through the contents of the written statement. The revision petitioner has not specifically pleaded in his written statement that the pronote given by him to the said Finance Company was misused and that the present suit has been laid on the strength of such pronote. Since there are no pleadings in the written statement for the case now projected in I.A.No.1073 of 2017, this Court is of the view that the Court below rightly dismissed the said Interlocutory Application. There is no merit in this civil revision petition. Accordingly, this



Civil Revision Petition stands dismissed. Of course, it is always open to the revision petitioner to examine his mother as a witness on his side and there is no need for issuance of Court summons for this purpose. The Court below shall permit the revision petitioner to re-open his side and examine his mother, if she comes forward.

4. With this liberty and direction, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Principal Subordinate Court, Karur.

2. The Record Keeper, (2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.B.Saravanan, Advocate Sr.No.88753

+1cc to Mr.P.Muthuvijayapandian, Advocate Sr.No.88603

RMK

VB/PM/SAR3/13.11.2018/2P/6C

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